
C O U N C I L C O M M U N I C A T I O N

TO : THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE
MAY 17, 1989

SUBJECT: PROPOSED ORDINANCE OF THE LODI CITY COUNCIL PROHIBITING
 SMOKING IN CITY-OWNED FACILITIES

PREPARED BY: City Attorney

RECOMMENDED ACTION: Consider introduction of proposed ordinance
 prohibiting smoking in City-owned facilities.

BACKGROUND INFORMATION: At the direction of the Council, the attached draft
 of an ordinance has been prepared, which would
 implement a "no smoking" rule for City-owned
buildings or facilities. Although there has already been a policy put in place
regarding smoking in City Hall, this ordinance would expand that policy to all
City-owned facilities, including but not limited to City Hall, the Carnegie
Forum, Police Department, Fire Department, Municipal Service Center, and Parks
and Recreation facility.

It would not apply to those City facilities used for recreational purposes or
exhibit halls, or other places where the public regularly assembles.

The ordinance also empowers the City Manager to designate specific areas in
City facilities in which smoking shall be allowed.

It is anticipated that voluntary compliance will be obtained in most cases,
but citations may be issued for flagrant or repeated violations by either
employees or those members of the public present in such facilities.

No attempt was made to regulate smoking in other public places not owned by
the City, or in any private business or property.

Respectfully submitted,



BOB McNATT
City Attorney

BM:vc

SMOKECC/TXTA.01V

ORDINANCE NO. 1457

AN ORDINANCE OF THE LODI CITY COUNCIL
PROHIBITING SMOKING IN CITY-OWNED FACILITIES

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. A new chapter _____ is hereby added to the Lodi Municipal Code prohibiting smoking in City-owned facilities, and shall read as follows:

§ ——— Definitions.

1. "City-owned building or facility" shall mean any and all structures owned or under the control of the City of Lodi, customarily used for municipal purposes and occupied primarily by employees of the City.
2. "Enclosed space" shall mean any space contained within a roof and walls on all sides, normally used for human habitation or occupation.
3. "Sign" shall mean a device utilizing letters at least one inch high, posted in a conspicuous place, advising that smoking is allowed within a room or space in which such sign is posted.
4. "Smoke" or "Smoking" shall mean the inhaling, exhaling, lighting, burning, or carrying of any lighted cigar, cigarette, pipe,

tobacco product or other vegetable material customarily burned for the ingestion of the smoke produced thereby.

§ _____ Prohibition of smoking in public building or facilities.

It shall be unlawful for any person to smoke any cigar, cigarette, pipe, tobacco product or similar substance within any enclosed space located in any City-owned building or facility, whether or not such space is open to the public, unless appropriate signs are posted designating such space to be a "smoking permitted" area.

§ _____ Exceptions.

This ordinance shall not apply to:

- A. Any City facility intended and utilized primarily for recreational purposes, including parks, stadiums, exhibit halls, or similar places where members of the public assemble to engage in or witness athletic competitions or entertainment events. However, nothing in this section shall prohibit the posting of appropriate signs in such locations indicating that no smoking is permitted.
- B. Jail or detention facilities in which arrestees, sentenced or unsentenced prisoners are confined.
- C. Enclosed spaces in City-owned facilities designated by the City Manager, and appropriately signed, allowing smoking.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days ~~from~~ and after its passage and approval.

Approved this day of

JOHN R. SNIDER
Mayor

Attest:

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1457 was introduced at a regular meeting of the City Council of the City of Lodi held May 17, 1989 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held by the following vote:

Ayes :	Council Members -
Noes :	Council Members -
Absent:	Council Members -
Abstain:	Council Members -

I further certify that Ordinance No. 1457 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

A handwritten signature in dark ink, appearing to read "Bobby W. McNatt", with a long horizontal line extending to the right.

BOBBY W. McNATT
City Attorney

ORD1457/TXTA.01V